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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,542	03/10/2004	James A. Baranowski	60655.7300	2541

5514 7590 11/16/2006

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EXAMINER

MOONEYHAM, JANICE A

ART UNIT PAPER NUMBER

3629

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/708,542

Applicant(s)

BARANOWSKI ET AL.

Examiner

Janice A. Mooneyham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to the applicant's communication filed on September 5, 2006, wherein:

Claims 1-7 and 9 are currently pending;

Claims 1, 3-4 and 7 have been amended;

Claim 8 has been cancelled.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 5, 2006 has been entered.

Priority

3. The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed applications, Application Nos. 10/611,037, 60/428,062, 60/428,443, 10/217,666, 60/314,404 and 10/188,788, fail to provide

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adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application.

The prior filed applications do not provide support for the limitations of a database storing information in a plurality of data sets in a plurality of formats, wherein the plurality of data sets are stored as ungrouped data elements formatted as a block of binary via a fixed memory offset, wherein the plurality of data sets are annotated for storage into a financial transaction instrument with at least one of a header and a trailer. The Examiner notes the applicant's admission on page 20 of the remarks that copending application 10/217,666 does not teach or suggest the limitation of wherein the plurality of data sets are stored as ungrouped data elements formatted as a block of binary via a fixed memory offset. The Examiner notes the applicant's admission on page 21 that copending application 10/908,544 does not teach or suggest wherein at least one of the broker database and the travel history database stores information in a plurality of data sets in a plurality of formations.

Thus, these limitations will be given a priority date of March 10, 2004.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on September 6, 2006 is being considered by the examiner.

Drawings

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the

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financial transaction instrument must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 3, 6 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

What does the applicant mean by a plurality of data sets are annotated for storage onto a financial transaction instrument? What does the applicant define as a financial transaction instrument?

The Examiner maintains this rejection in light of the applicant's remarks and explanations on pages 14 and 15 of the amendment submitted on September 5, 2006. The applicant states that the term "financial transaction instrument" is known to those of ordinary skill in the art and is easily discernible, particular in view of the disclosure and teaching of the prior art. Applicant then directs the Examiner to another application, Application No. 10/611,037, and states that this application discusses that financial transactions can be facilitated by the use of an account number stored on various types of cards, all of which are examples of financial transaction instruments. The excerpt that the applicant provides to explain the term financial instrument does not resolve the issue. The paragraph discusses account numbers. However, there is no description of a financial transaction. Therefore, this rejection is hereby maintained.

7. Claims 1-3 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Independent claims 1 and 7 are directed to systems. The applicant has stated that the database stores information in a plurality of data sets in a plurality of formats. However, applicant has not provided any structure for performing the storage in a plurality of data set in a plurality of formats.

8. Claims 7 and 9 are is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The applicant has deleted the language Global Distribution Systems in some of the claim limitations and replaced it with data distribution systems. However, in the same claim the applicant uses the terminology global distribution systems. Is the applicant trying to claim two different systems or are data distribution systems and global distribution systems the same thing?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jafri et al (5,832,454) (hereinafter referred to as Jafri) in view of Pratt (US 2001/0049693) (hereinafter referred to as Pratt).

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Referring to Claims 1-3:

Jafri discloses a system for facilitating transaction among travel service suppliers and travel service buyers, the system comprising:

a communication network comprising a data distribution system (Figures 1 and 2, col. 2, lines 61-63);

a travel broker database (reservation system software) connected to the integrated travel network, wherein the travel broker database is configured for access by travel service suppliers and the travel service buyers (Figure 2 Reservation System Databases; col. 3, lines 13-15);

a travel history database connected to the travel network, wherein the travel history database is configured to store information about the transactions (Figure 2 information under User 1; col. 3, lines 13-24 profile of the traveler); and

at least one point of service terminal connected to the communication network and configured to access the broker database and the travel history database (Figure 1 (11)).

While Jafri discloses Gateway files which include files for establishing links to various CRSs, Jafri does not disclose databases storing information in a plurality of data sets in a plurality of formats, wherein the plurality of data sets are stored as ungrouped data elements formatted as a block of binary via a fixed memory offset, wherein the plurality of data sets are annotated for storage with at least one of a header and a trailer.

However, disclose databases storing information in a plurality of data sets in a plurality of formats, [0032] [0041-0042], wherein the plurality of data sets are

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stored as ungrouped data elements formatted as a block of binary via a fixed memory offset [0032][0046], wherein the plurality of data sets are annotated for storage with at least one of a header and a trailer [0037].

NOTE: The Examiner notes that the applicant's admission in paragraph [0026] wherein the applicant admits that the data can be stored without regard to common format and that in one exemplary embodiment of the applicant's invention, the data set (e.g. BLOB) may be annotated in a standard manner. Applicant admits on page 12 of the remarks that the specific details of how to add a header or trailer to data are well-known in the art.

It would have been obvious to one of ordinary skill in the arts at the time the of the invention to incorporate into the reservation system of Jafri the ability to access and store data in different formats wherein the data sets are stored as BLOPs with offsets since database maintenance is reduced while storage is optimized and any data type can be stored and retrieved using the method of storing data.

As for the plurality of data sets being annotated for storage into a financial transaction instrument, the Examiner is unclear how the applicant is defining the term "financial transaction instrument." The Examiner asserts that the analysis of the claim indicates that considerable speculation as to the meaning of the term employed and assumption as to the scope of the claims would have to be made by the Examiner. See *In re STEELE, MILLS, AND LEIS*, 134 USPQ 292 (CCPA 1962) wherein the court held:

"Our analysis of the claims indicates that considerable speculation as to meaning of the terms employed and assumptions as to the scope of such claims were made by the examiner and the board. We do not think a rejection under 35 U.S.C. 103 should be based on such speculations and assumptions."

Referring to Claims 4-6:

Jafri discloses a method for facilitating transactions among travel service buyers, the method comprising the steps of:

providing a network ((Figures 1 and 2) connected to at least one data distribution system (Global Distribution System) (Figure 2 (Worldspan, Systemone, Sabre, Apollo)), a travel broker database (Figure 2 Reservation System Databases), a travel history database (Figure 2 information under User 1; col. 3, lines 13-24 profile of the traveler) and at least one point of service terminal, wherein the point of service terminal is provided with access to the broker database (Figure 1 (11); col. 3, lines 13-15);

configuring the travel broker database to be accessible by the travel service suppliers and the travel service buyers (Reservation system software in Figure 2);

configuring the travel history database to store information about transactions (Figure 2 User 1; col. 2, lines 31-43);

storing information into the travel broker database and travel history database (col. 3, lines 13-24).

While Jafri discloses Gateway files which include files for establishing links to various CRSs, Jafri does not disclose wherein the database stores information in a plurality of data sets in a plurality of formats, wherein the plurality of data sets are stored as ungrouped data elements formatted as a block of binary via a fixed memory offset, wherein the plurality of data sets are annotated for storage with at least one of a header and a trailer.

However, disclose databases storing information in a plurality of data sets in a plurality of formats, [0032] [0041-0042], wherein the plurality of data sets are stored as ungrouped data elements formatted as a block of binary via a fixed memory offset [0032][0046], wherein the plurality of data sets are annotated for storage with at least one of a header and a trailer [0037].

NOTE: The Examiner notes that the applicant's admission in paragraph [0026] wherein the applicant admits that the data can be stored without regard to common format and that in one exemplary embodiment of the applicant's invention, the data set (e.g. BLOB) may be annotated in a standard manner. Applicant admits on page 12 of the remarks that the specific details of how to add a header or trailer to data are well-known in the art.

It would have been obvious to one of ordinary skill in the arts at the time of the invention to incorporate into the reservation system of Jafri the ability to access and store data in different formats wherein the data sets are stored as BLOPs with offsets since database maintenance is reduced while storage is optimized and any data type can be stored and retrieved using this method.

As for the plurality of data sets being annotated for storage into a financial transaction instrument, the Examiner is unclear how the applicant is defining the term "financial transaction instrument." The Examiner asserts that the analysis of the claim indicates that considerable speculation as to the meaning of the term employed and assumption as to the scope of the claims would have to be made by the Examiner. See *In re STEELE, MILLS, AND LEIS*, 134 USPQ 292 (CCPA 1962) wherein the court held:

"Our analysis of the claims indicates that considerable speculation as to meaning of the terms employed and assumptions as to the scope of such claims were made by the examiner and the board. We do not think a rejection under 35 U.S.C. 103 should be based on such speculations and assumptions."

10. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jafri in view of Pratt (US 2001/0049693) (hereinafter referred to as Pratt) and further in view of Wisner et al (6,944, 133).

Referring to Claims 7 and 9:

Jafri discloses an integrated travel industry system comprising:

A communication network (Figures 1 and 2);

a plurality of centralized hub sites in communication with said network (col. 4, lines 24-30), wherein each of said plurality of centralized hub sites comprises a

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network connection (Figures 1 and 2; Col. 3, lines), a transport mechanism (Figures 1 and 2);

a plurality of data/global distribution systems connected to each of the plurality of centralized hub sites, wherein the data center of each of the plurality of centralized hub sites is configured to store a database for each of the plurality of data/global distribution systems (Figure 2);

a remote site (Figure 1 (11) connected to the network comprising a service terminal connected to at least one of the plurality of centralized hub sites of the communication network, the point of service terminal configured to access each global distribution systems (Figures 1 and 2);

the point of service terminal comprising a user interface configured to allow simultaneous access to the global distributions systems (Figure 2) and a customer service application tier having a low fare search module (Figure 4C best Fare (S447); col. 5, line 61 thru col. 6, line 2), a passenger name record database (col. 6, lines 23-32), a customer database (col. 6, lines 5-21), a trip planning module (Figure 2; col. 6, lines 46-47; Figure 4B Step S427 Itinerary Building stage); a workflow module (software that runs the reservation system; col. 7, lines 10-12).

While Jafri discloses Gateway files which include files for establishing links to various CRSs, Jafri does not explicitly disclose wherein at least one of the database stores information in a plurality of data sets in a plurality of formats.

wherein the plurality of data sets are stored as ungrouped data elements formatted as a block of binary via a fixed memory offset, wherein the plurality of data sets are annotated for storage with at least one of a header and a trailer.

However, disclose databases storing information in a plurality of data sets in a plurality of formats, [0032] [0041-0042], wherein the plurality of data sets are stored as ungrouped data elements formatted as a block of binary via a fixed memory offset [0032][0046], wherein the plurality of data sets are annotated for storage with at least one of a header and a trailer [0037].

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It would have been obvious to one of ordinary skill in the arts at the time the of the invention to incorporate into the reservation system of Jafri the ability to access and store data in different formats wherein the data sets are stored as BLOPs with offsets since database maintenance is reduced while storage is optimized and any data type can be stored and retrieved.

As for the plurality of data sets being annotated for storage into a financial transaction instrument, the Examiner is unclear how the applicant is defining the term "financial transaction instrument." The Examiner asserts that the analysis of the claim indicates that considerable speculation as to the meaning of the term

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"Our analysis of the claims indicates that considerable speculation as to meaning of the terms employed and assumptions as to the scope of such claims were made by the examiner and the board. We do not think a rejection under 35 U.S.C. 103 should be based on such speculations and assumptions."

Jafri does not disclose a central hub with redundant data center.

However, Wisner teaches central hub sites with a redundant data center (Figure 5 (104)).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the reservation system disclosed in Jafri the redundant data center disclosed in Wisner for the benefit of data stability.

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Response to Arguments

Applicant's arguments with respect to claims 1-7 and 9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (571) 272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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